

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Abdullah M. Muslim,

Case Nos. 2:08-cr-238 / 2:10-cr-64 /
2:10-cr-65

Petitioner,

JUDGE MICHAEL H. WATSON
Magistrate Judge Chelsey M. Vascura

v.

United States of America,

Respondent.


OPINION AND ORDER

On October 11, 2018, the Magistrate Judge issued a *Report and Recommendation* ("R&R") recommending that Petitioner's motion to vacate under 28 U.S.C. § 2255 be transferred as a successive petition to the United States Court of Appeals for the Sixth Circuit. ECF No. 42. Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. The R&R, ECF No. 42, is therefore, **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Pursuant to 28 U.S.C. § 2253(c)(1)(B), the Court must also assess whether to issue a certificate of appealability. Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts states that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Petitioner has waived, however, the right to file

an appeal by failing to file objections to the Magistrate Judge's recommendations. See *Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F. 2d 947, 950 (6th Cir. 1981). The Court therefore declines to issue a certificate of appealability.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT